

REMARKS/ARGUMENTS

Amendments

Claims are modified in the amendment. More specifically, claims 1, 5-6, 14, 19-20, 22, 26-27 and 33 have been amended and claims 1-38 are present for examination. No new matter is added by these amendments. Applicant respectfully requests reconsideration of this application as amended.

35 U.S.C. §101 Rejection

Claims 1-38 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Amendments are made to independent claims 1, 14, 27 & 33 to claim statutory subject matter. Independent claims have been amended to describe a host system interacting with specialized computers used by available artists.

35 U.S.C. §103 Rejection, Gagné in view of Davis et al.

The Office Action has rejected claims 1-10 and 14-26 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,353,437 to Gagné (hereinafter "Gagné") in view of the cited portions of U.S. Patent No. 5,764,980 to Davis et al. (hereinafter "Davis"). For an obviousness rejection, the Office must at least show that each and every limitation from the claims appears in the prior art. Applicants believe major limitations from the amended claims are neither taught nor suggested in Gagné in combination with Davis.

Amended independent claims 1 and 14 describe a host system configured to and a method to receive reusable characteristic(s) from prequalified artists using associated computers. These reusable characteristic(s) are then included in a pool of reusable characteristics. Artists who are not prequalified may not modify the reusable characteristics, but may use the reusable characteristics to develop a character or feature.

Gagné simply discusses a database of parameters (properties, operators, effects, constraints, expressions...) which are applied to a group of objects. Gagné does not discuss multiple subsets of artists, some of whom can make changes to a pool of reusable characteristics

and some who have read-only access to the pool which still allows them to develop a character or features using reusable characteristics. The Office Action relies on Davis to supply the teaching lacking in Gagné. Davis discusses authenticated users logging in using requesting workstations to access digital images. Unauthorized users are simply prevented from logging in to an animation system and therefore are not given access to any information stored thereon.

Neither Gagné nor Davis discuss artists who can make modifications to a pool of reusable characteristics and other artists who cannot make changes, but can access reusable characteristics to develop a character or feature. For at least these reasons, Applicants respectfully request reconsideration of the rejection to claims 1-10 and 14-26.

35 U.S.C. §103 Rejection, Gagné in view of Davis et al. further in view of Gardner et al.

The Office Action has rejected claims 11-13 and 24-26 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,353,437 to Gagné (hereinafter "Gagné") in view of the cited portions of U.S. Patent No. 5,764,980 to Davis et al. (hereinafter "Davis") and further in view of the cited portions of U.S. Patent Publication No. 2004/0225608 to Gardner et al. (hereinafter "Gardner").

Gardner has been used in the Office Action to reject claims 11-13 which depend from independent claim 1 and claims 24-26 which depend from independent claim 14. Gardner does not supply teaching lacking in Gagné and Davis with respect to independent claims 1 and 14. Thus, for at least the reasons noted above with respect to independent claims 1 and 14, from which 11-13 and 24-26 depend, claims 11-13 and 24-26 are patentable over Gagné in view of Davis in view of Gardner.

35 U.S.C. §103 Rejection, Gagné in view of Turner et al.

The Office Action has rejected claims 27-38 under 35 U.S.C. §103(a) as being unpatentable over the cited portions of U.S. Patent No. 6,353,437 to Gagné (hereinafter "Gagné") in view of the cited portions of U.S. Patent No. 6,747,650 to Turner et al. (hereinafter "Turner").

Amended independent claims 27 and 33 describe, in part, a method and a system for searching a pool of reusable characteristics to find a first characteristic and then identifying a second characteristic on which the first characteristic depends. The second characteristic is delivered to a computer.

Applicants are perplexed since the quoted portions of Gagné cannot be found in the specification and no figure 13 is even present in Gagné. The requirement that the Office Action set forth a prima facie case of obviousness has not been met and Applicants request a new non-final rejection if a rejection is maintained. Nonetheless, Gagné simply discusses a database of parameters (properties, operators, effects, constraints, expressions...) which are applied to a group of objects. Gagné does not discuss a system or method of searching a pool of reusable characteristics for a second characteristic on which a first characteristic depends. The Office Action relies on Turner to supply the teaching lacking in Gagné. Turner discusses a first animation characteristic which varies little between adjacent frames and a second animation characteristic which does vary. Clearly, no dependence of either characteristic on the other is taught or implied. In contrast with the claim language, the characteristics simply coexist in Gagné.

Neither Gagné nor Davis (nor the text from the Office Action mistakenly attributed to Gagné) discuss searching a pool of reusable characteristics to find a first characteristic and then identifying a second characteristic that depends on the first characteristic. For at least these reasons, Applicants respectfully request reconsideration of the rejection to claims 27-38 and issuance of a new non-final office action.

CONCLUSION

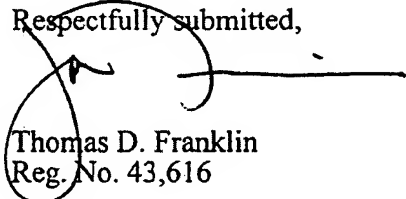
In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 10/781,785
Amdt. dated February 13, 2009
Reply to Office Action of November 13, 2008

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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